

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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JOSEPH WHITE,

Petitioner, : CIVIL ACTION

vs. :

SUPT. MORISA LAMAS, et al. :

NO. 11-2339

Respondents. :

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**O R D E R**

AND NOW, this 12th day of September, 2012, upon consideration of Petitioner, Joseph White's ("White") Petition for Writ of Habeas Corpus ("Petition"), the memorandum in support thereof, the Response and Supplemental Response of the District Attorney's Office of Philadelphia, and after review of the Report and Recommendation ("R&R") of Magistrate Judge Thomas J. Rueter (Doc No. 40), it is hereby **ORDERED** that:

1. the R&R is **APPROVED** and **ADOPTED**;
2. Petitioner's Petition is **GRANTED**; and
3. the Superintendent of the State Correctional Institution at Forest, in Camp Hill, Pennsylvania, shall release Petitioner from custody should Petitioner not be re-sentenced by the

state court within ninety (90) days of the date of this Order.

BY THE COURT:

/s/ Robert F. Kelly  
ROBERT F. KELLY  
SENIOR JUDGE